

**DECLARATION OF ERIN M. MURPHY**

I, Erin M. Murphy, declare:

1. I am an attorney at the Office of the Federal Public Defender in the Central District of California appointed to represent defendant Robert Rundo in *United States v. Robert Rundo, et al.*, 18-CR-759-CJC.

2. Attached to this motion are true and correct copies of the following exhibits:

a. Exhibits A-P, filed concurrently *under seal* and subject to the protective order in this case, are law enforcement reports received in discovery, specifically:

- Exhibit A, Bates-numbered, USA\_00028503-512,

- Exhibit B, Bates-numbered USA\_0028619-623,

- Exhibit C, Bates-numbered USA\_00042372

- Exhibit D, Bates-numbered USA\_0042360-

- Exhibit E, Bates-numbered USA\_42354-59,

- Exhibit F, Bates-numbered USA\_201269-71

- Exhibit G, Bates-numbered USA\_201279-80

- Exhibit H, Bates-numbered USA\_28560-66

- Exhibit I, Bates-numbered USA\_28587-94,

- Exhibit J, Bates-numbered USA\_28612-13,

- Exhibit K, Bates-numbered USA\_28492-96

- Exhibit L, Bates-numbered USA\_28477-84,

- Exhibit M, Bates-numbered USA\_28461-65

- Exhibit N, Bates-numbered USA\_28579-84

- Exhibit O, Bates-numbered USA\_28597-60
- Exhibit P, Bates-numbered USA\_28468-74,
- Exhibit Q, Bates-numbered USA\_00019875

- Exhibit R, Bates-numbered USA\_00020098-99

b. Exhibit S is a 190-page document containing the following publicly-available news articles:

- Jazmine Ulloa, John Myers, Emily Alpert Reyes and Victoria Kim, *7 stabbed at neo-Nazi event outside Capitol in Sacramento, LA TIMES* (June 26, 2016), <https://www.latimes.com/local/lanow/la-me-neo-nazi-stabbed-20160626-snap-htmlstory.html>.
- Ruben Vives, Matt Pearce, Matt Hamilton, *Protests rage outside Trump rally in Orange County; 17 arrested, police car smashed, LA TIMES* (April 28, 2016), <https://www.latimes.com/local/lanow/la-me-ln-gays-for-trump-crowd-gathers-at-costa-mesa-rally-20160428-story.html>
- Martha Mendozaap, *Protesters punch, throw eggs at Trump supporters in San Jose, ASSOCIATED PRESS* (June 2, 2016), <https://apnews.com/df798efde45148a3aa2b0da220b840c8>.
- Matt Keller, *San Jose police criticized for not stopping attacks outside Trump rally, ABC 7 News* (June 3, 2016), <https://abc7news.com/protesters-punch-throw-eggs-at-trump-supporters-in-san-jose-fight-outside-rally/1369862/>.
- Melanie Eversley, Aamer Madhani, and Rick Jervis, *Anti-Trump protests, some violent, erupt for 3rd night nationwide, USA TODAY* (Nov. 11, 2016),

1 [https://www.usatoday.com/story/news/nation/2016/11/11/anti-](https://www.usatoday.com/story/news/nation/2016/11/11/anti-trump-protesters-pepper-sprayed-demonstrations-erupt-across-us/93633154/)  
 2 [trump-protesters-pepper-sprayed-demonstrations-erupt-across-](https://www.usatoday.com/story/news/nation/2016/11/11/anti-trump-protesters-pepper-sprayed-demonstrations-erupt-across-us/93633154/)  
 3 [us/93633154/](https://www.usatoday.com/story/news/nation/2016/11/11/anti-trump-protesters-pepper-sprayed-demonstrations-erupt-across-us/93633154/)

- 4 • *Protests against Donald Trump's win turn violent*, ALJAZEERA  
 5 (Nov. 11, 2016),  
 6 [https://www.aljazeera.com/news/2016/11/11/protests-against-](https://www.aljazeera.com/news/2016/11/11/protests-against-donald-trumps-win-turn-violent)  
 7 [donald-trumps-win-turn-violent](https://www.aljazeera.com/news/2016/11/11/protests-against-donald-trumps-win-turn-violent)
- 8 • *Liam Stack, Attack on Alt-Right Leader has Internet Asking: Is It*  
 9 *O.K. to Punch a Nazi?*, NY TIMES (Jan. 21, 2017),  
 10 [https://www.nytimes.com/2017/01/21/us/politics/richard-spencer-](https://www.nytimes.com/2017/01/21/us/politics/richard-spencer-punched-attack.html)  
 11 [punched-attack.html](https://www.nytimes.com/2017/01/21/us/politics/richard-spencer-punched-attack.html).
- 12 • Michael Bodley, *At Berkely Yiannopoulos protest, \$100,000 in*  
 13 *damage, 1 arrest*, SF GATE (Feb. 2, 2017),  
 14 [https://www.sfgate.com/crime/article/At-Berkeley-Yiannopoulos-](https://www.sfgate.com/crime/article/At-Berkeley-Yiannopoulos-protest-100-000-in-10905217.php)  
 15 [protest-100-000-in-10905217.php](https://www.sfgate.com/crime/article/At-Berkeley-Yiannopoulos-protest-100-000-in-10905217.php)
- 16 • Veronica Rocha, Peter H. King, *UC Berkeley blames violent 'black*  
 17 *bloc' protesters for 'unprecedented invasion,'* LA TIMES (Feb. 5,  
 18 2017), [https://www.latimes.com/local/lanow/la-me-ln-black-bloc-](https://www.latimes.com/local/lanow/la-me-ln-black-bloc-uc-berkeley-protest-20170203-story.html)  
 19 [uc-berkeley-protest-20170203-story.html](https://www.latimes.com/local/lanow/la-me-ln-black-bloc-uc-berkeley-protest-20170203-story.html).
- 20 • Paige St. John, *Inside the black bloc militant protest as it rises up*  
 21 *against Trump*, LA TIMES (Feb. 12, 2017),  
 22 [https://www.latimes.com/local/lanow/la-me-black-bloc-20170212-](https://www.latimes.com/local/lanow/la-me-black-bloc-20170212-story.html)  
 23 [story.html](https://www.latimes.com/local/lanow/la-me-black-bloc-20170212-story.html).
- 24 • Madison Park, Kyung Lah, *Berkeley protests of Yiannopoulos*  
 25 *caused \$100,000 in damage*, CNN (Feb. 2, 2017),  
 26 [https://www.cnn.com/2017/02/01/us/milo-yiannopoulos-](https://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html#:~:text=Berkeley%20protests%20of%20Yiannopoulos%20caused%20%24100%2C000%20in%20damage)  
 27 [berkeley/index.html#:~:text=Berkeley%20protests%20of%20Yiann-](https://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html#:~:text=Berkeley%20protests%20of%20Yiannopoulos%20caused%20%24100%2C000%20in%20damage)  
 28 [opoulos%20caused%20%24100%2C000%20in%20damage](https://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html#:~:text=Berkeley%20protests%20of%20Yiannopoulos%20caused%20%24100%2C000%20in%20damage).

- 1 • Amy B. Wang, *Pro-Trump rally in Berkeley turns violent as*  
2 *protesters clash with the president's supporters*, WASHINGTON  
3 POST (Mar. 5, 2017), [https://www.washingtonpost.com/news/post-](https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/pro-trump-rally-in-berkeley-turns-violent-as-protesters-clash-with-the-presidents-supporters/)  
4 [nation/wp/2017/03/05/pro-trump-rally-in-berkeley-turns-violent-as-](https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/pro-trump-rally-in-berkeley-turns-violent-as-protesters-clash-with-the-presidents-supporters/)  
5 [protesters-clash-with-the-presidents-supporters/](https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/pro-trump-rally-in-berkeley-turns-violent-as-protesters-clash-with-the-presidents-supporters/).
- 6 • Josh Meyer, *FBI, Homeland Security warn of more 'antifa' attacks*,  
7 Politico (Sept. 1, 2017),  
8 [https://www.politico.com/story/2017/09/01/antifa-charlottesville-](https://www.politico.com/story/2017/09/01/antifa-charlottesville-violence-fbi-242235)  
9 [violence-fbi-242235](https://www.politico.com/story/2017/09/01/antifa-charlottesville-violence-fbi-242235)
- 10 • Laura Anthony, *Berkeley businesses board up windows ahead of*  
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12 [https://abc7news.com/berkeley-protest-uc-pro-trump-march-](https://abc7news.com/berkeley-protest-uc-pro-trump-march-4/1874601/)  
13 [4/1874601/](https://abc7news.com/berkeley-protest-uc-pro-trump-march-4/1874601/).
- 14 • *Rallies against Islamic law draw counter-protests, some arrested in*  
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- 18 • Joe Nelson, *San Bernardino anti-Islamic law rally and counter-*  
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21 [islamic-law-rally-and-counter-protests-trigger-violence-8-2/](https://www.ocregister.com/2017/06/10/san-bernardino-anti-islamic-law-rally-and-counter-protests-trigger-violence-8-2/).
- 22 • Chris Hare, *Counterprotestors vastly outnumber those at 'America*  
23 *First' rally in Laguna Beach*, ORANGE COUNTY REGISTER (Dec. 18  
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25 [begins-in-laguna-beach/](https://www.ocregister.com/2017/08/20/america-first-rally-begins-in-laguna-beach/).
- 26 • Erika I. Richie, *Laguna Beach police make 4th arrest stemming*  
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1 make-4th-arrest-stemming-from-america-first-rally/.

- 2 • Kyle Swenson, *Black-clad antifa members attack peaceful right-*  
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5 [mix/wp/2017/08/28/black-clad-antifa-attack-right-wing-](https://www.washingtonpost.com/news/morning-mix/wp/2017/08/28/black-clad-antifa-attack-right-wing-demonstrators-in-berkeley/)  
6 [demonstrators-in-berkeley/](https://www.washingtonpost.com/news/morning-mix/wp/2017/08/28/black-clad-antifa-attack-right-wing-demonstrators-in-berkeley/)
- 7 • *Berkeley Police make 13 arrests during today's demonstrations*,
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- 9 • Tom Porter, *Berkeley Mayor Calls for Antifa to be Classified as*  
10 *Crime Gang After Clashes at Weekend Protest*, NEWSWEEK (Aug.
- 11 29, 2017), [https://www.newsweek.com/berkeley-mayor-calls-antifa-](https://www.newsweek.com/berkeley-mayor-calls-antifa-be-classified-crime-gang-after-clashes-sunday-656286)  
12 [be-classified-crime-gang-after-clashes-sunday-656286](https://www.newsweek.com/berkeley-mayor-calls-antifa-be-classified-crime-gang-after-clashes-sunday-656286)
- 13 • *Protesters rally against conservative speech at UC Berkeley by*  
14 *former Breitbart editor*, ABC News (Sept. 14, 2017),  
15 [https://abcnews.go.com/US/protesters-rally-conservative-speech-uc-](https://abcnews.go.com/US/protesters-rally-conservative-speech-uc-berkeley-breitbart-editor/story?id=49864404)  
16 [berkeley-breitbart-editor/story?id=49864404](https://abcnews.go.com/US/protesters-rally-conservative-speech-uc-berkeley-breitbart-editor/story?id=49864404)
- 17 • Samantha Raphelson, *Milo Yiannopoulos' 'Free Speech Week' at*  
18 *Berkeley Falls Apart, Organizers Say*, NPR (Sept. 22, 2017),  
19 [https://www.npr.org/2017/09/22/552427627/why-a-potential-free-](https://www.npr.org/2017/09/22/552427627/why-a-potential-free-speech-week-at-berkeley-is-causing-a-stir)  
20 [speech-week-at-berkeley-is-causing-a-stir](https://www.npr.org/2017/09/22/552427627/why-a-potential-free-speech-week-at-berkeley-is-causing-a-stir).
- 21 • Emilie Raguso, *Berkeley teacher Yvette Felarca arrested at Patriot*  
22 *Prayer march*, Berkeleyside (Sept. 26, 2017),  
23 [https://www.berkeleyside.org/2017/09/26/uc-berkeley-police-warn-](https://www.berkeleyside.org/2017/09/26/uc-berkeley-police-warn-sproul-rally-counterprotest)  
24 [sproul-rally-counterprotest](https://www.berkeleyside.org/2017/09/26/uc-berkeley-police-warn-sproul-rally-counterprotest).
- 25 • Frances Dinkelspiel, *Berkeley teacher Yvette Felarca arrested on*  
26 *charges of inciting a riot*, Berkeleyside (July 19, 2017),  
27 [https://www.berkeleyside.org/2017/07/19/berkeley-middle-school-](https://www.berkeleyside.org/2017/07/19/berkeley-middle-school-teacher-yvette-felarca-arrested-charges-inciting-riot)  
28 [teacher-yvette-felarca-arrested-charges-inciting-riot](https://www.berkeleyside.org/2017/07/19/berkeley-middle-school-teacher-yvette-felarca-arrested-charges-inciting-riot).

- Peter Waldman, Lizette Chapman, and Jordan Robertson, *Palantir Knows Everything About You*, Bloomberg Businessweek (April 19, 2018), available at <https://web.archive.org/web/20180419131523/https://www.bloomberg.com/features/2018-palantir-peter-thiel/>
- Emilie Raguso, Frances Dinkelspiel and Tracey Taylor, *Protests end with 20 arrests, 11 injuries*, Berkeleyside (April 15, 2017), <https://www.berkeleyside.org/2017/04/15/live-coverage-berkeley-protests>

- c. Exhibits T-JJ are exhibits collected through open-source investigation by Office of the Federal Public Defender, Central District of California investigator Maria Sapene (please see Ms. Sapene's declaration at Exhibit SS for more information on collection practices.)
- d. Exhibit KK, filed concurrently under seal and subject to the protective order in this case, are photographs produced in discovery bearing the following Bates-numbers: USA 00065325, USA 00065402, USA 00065405, USA 00065549, USA 00000083, and USA 00065409.
- e. Exhibit LL, filed concurrently under seal and subject to the protective order in this case, are compiled investigative reports prepared by the Federal Bureau of Investigation, bearing Bates-numbers USA00029393-96, USA00028708-12, USA00028673-76, USA00029140-43, USA00042247-50, USA00029107-10, USA00029032-35, USA00028683-86, and USA00030172-75.
- f. Exhibit MM is a video file, filed concurrently under seal and subject to the protective order in this case, bearing the file name [REDACTED] USA\_00008673.mp4."
- g. Exhibit NN, filed concurrently under seal and subject to the protective

1 order in this case, bearing the file name [REDACTED]

2 [REDACTED] USA\_00006.mts.”

3 h. Exhibit OO is a video file, filed concurrently under seal and subject to the  
4 protective order in this case, bearing the file name [REDACTED]  
5 [REDACTED] USA\_00000045.mp4”

6 i. Exhibit PP is a discovery request sent Dec. 13, 2023.

7 j. Exhibit QQ is a response to the discovery sent at Exhibit PP, received Jan.  
8 9, 2024.

9 k. Exhibit RR is a declaration and exhibits prepared by Brittany Klein, an  
10 FPDO paralegal, regarding research into instances in which the Federal  
11 Anti-Riot Act was charged.

12 l. Exhibit SS is a declaration of FPDO Litigation Support Chief Maria  
13 Sapene regarding materials attached to this motion obtained by open-  
14 source investigations.

15 m. Exhibit TT, filed concurrently under seal, is a spreadsheet created by  
16 FPDO Litigation Support Chief Maria Sapene regarding arrests referenced  
17 in this motion.

18 I declare under the penalty of perjury under the laws of the United States of  
19 America that the foregoing is true and correct to the best of my knowledge.

20 Executed on January 15, 2024, at Los Angeles, California.

21  
22 /s/ Erin M. Murphy

23 ERIN MURPHY

24 Deputy Federal Public Defender  
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